



August 20, 1999

Mr. Steven D. Monté  
Assistant City Attorney  
Criminal Law and Police Division  
City of Dallas  
City Hall  
Dallas, Texas 75201

OR99-2363

Dear Mr. Monté:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 128370.

The Dallas Police Department (the “department”) received a request for records pertaining to the investigation of an assistant city attorney. You claim that a memorandum which is responsive to the request is excepted from disclosure under section 552.107 of the Government Code. We assume that you have released the remaining requested information to the requestor. We have considered the exception you claim and reviewed the submitted information.

Section 552.107(1) excepts information that an attorney cannot disclose because of a duty to his client. In Open Records Decision No. 574 (1990), this office concluded that section 552.107 excepts from public disclosure only “privileged information,” that is, information that reflects either confidential communications from the client to the attorney or the attorney’s legal advice or opinions; it does not apply to all client information held by a governmental body’s attorney. *Id.* at 5. When communications from attorney to client do not reveal the client’s communications to the attorney, section 552.107 protects them only to the extent that such communications reveal the attorney’s legal opinion or advice. *Id.* at 3. In addition, basically factual communications from attorney to client, or between attorneys representing the client, are not protected. *Id.* We find that the memorandum contains legal advice and opinion of a city attorney to her client. The memorandum may be withheld under section 552.107.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts

presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

Sue M. Lee  
Assistant Attorney General  
Open Records Division

SML\nc

Ref: ID# 128370

encl: Submitted documents

cc: Mr. James Page  
2320 Springfield Drive  
Mesquite, Texas 75181  
(w/o enclosures)